

**IN THE UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF DELAWARE**

CHRISS W. STREET,

CIVIL ACTION NO: 07-65 \*\*\*

Plaintiff,

v.

THE END OF THE ROAD TRUST AND  
AMERICAN TRAILER INDUSTRIES, INC.,

Defendants.

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STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF HENNEPIN    )

**AFFIDAVIT OF ROBERT T. KUGLER**

I am an attorney with the law firm of Leonard, Street and Deinard, counsel for Defendants in the above-captioned matter. I submit this Affidavit in Support of Defendants The End of the Road Trust and American Trailer Industries, Inc.'s Memorandum of Law Answering Plaintiff Chriss W. Street's Motion to Remand to Court of Chancery of the State of Delaware or for Abstention under 28 U.S.C. § 1334(c). True and accurate copies of the below-listed documents are attached hereto:

1. Debtors' Amended Joint Plan of Reorganization Dated July 28, 1998, is attached as Exhibit 1.
2. First Amended Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code with Respect to Debtors' First Amended Joint Plan of Reorganization Dated June 24, 1998, is attached as Exhibit 2.
3. Order (i) Approving Disclosure Statement; (ii) Setting Date for Confirmation Hearing and Fixing Deadlines for Voting on and Objecting to the Plan; and (iii) Establishing and

Approving Procedures Relating to the Solicitation of Acceptances and Rejections of the Plan, Including Limiting Notice to Unimpaired Creditors and Equity Security Holders, dated July 28, 1998, is attached as Exhibit 3.

4. Order and Judgment Confirming the Debtors' Amended Joint Plan of Reorganization under Chapter 11 of the United States Bankruptcy Code and Granting Related Relief, dated September 17, 1998, is attached as Exhibit 4.

5. Order Amending (A) the Debtors' Amended Joint Plan of Reorganization, (B) the Order and Judgment Confirming the Debtors' Plan and (C) the Eleventh Omnibus Order, is attached as Exhibit 5.

6. Liquidating Trust Agreement dated October 27, 1998, by and between Fruehauf Trailer Corporation, et al., (Debtors) IBJ Schroder Bank & Trust Company (the Indenture Trustee), and Chriss W. Street (Trustee), is attached as Exhibit 6.

7. Employment Agreement dated October 27, 1998 between The End of the Road Trust, Chriss W. Street, Trustee, and Chriss W. Street, an individual, is attached as Exhibit 7.

8. Employment Agreement dated October 27, 1998 between Frudemex, Inc., by its President, Chriss W. Street, and Chriss W. Street, an individual, is attached as Exhibit 8.

9. Consent Order Ratifying the Resignation of Trustee, Mr. Chriss W. Street, and Approving Mr. Daniel W. Harrow as the Successor Trustee and other Related Relief *Nunc Pro Tunc* to August 1, 2005, dated August 18, 2005, is attached as Exhibit 9.

10. Complaint of *Daniel W. Harrow, as Successor Trustee of The End of the Road Trust v. Chriss W. Street, as Former Trustee of the End of the Road Trust*, Adversary Proceeding No. 07-50398, dated February 2, 2007, is attached as Exhibit 10.

11. December 19, 2006 Hearing Transcript before Honorable Peter J. Walsh, in the matter of Fruehauf Trailer Corporation, Debtor, is attached as Exhibit 11.

12. Petition for Advancement and Indemnification by *Chriss W. Street v. The End of the Road Trust and American Trailer Industries, Inc.*, Case No. 2662-N, filed on January 9, 2007, is attached as Exhibit 12 (exhibits excluded).

13. Motion to Compel Compliance with Consent Order Ratifying the Resignation of Trustee, Mr. Chriss W. Street, and Approving Mr. Daniel W. Harrow as the Successor Trustee and Other Related Relief *Nunc Pro Tunc* to August 1, 2005, is attached as Exhibit 13 (exhibits excluded).

14. Correspondence from Ali M.M. Mojdehi, Baker & McKenzie, to Neil B. Glassman, The Bayard Firm, dated October 24, 2005, is attached as Exhibit 14.

15. Reply by the Trustee of The End of the Road Trust to Emergency Motion for Protective Order by Chriss W. Street and Emergency Motion by the Trustee to Adjourn the Hearing on the Motion of Chriss W. Street to Compel Compliance with Consent Order, dated October 31, 2005, is attached as Exhibit 15 (exhibits excluded).

16. Correspondence from Ali M.M. Mojdehi, Baker & McKenzie, to Neil B. Glassman, The Bayard Firm, dated October 25, 2005, is attached as Exhibit 16 (exhibits excluded).

17. Emergency Motion for Protective Order, filed by Chriss W. Street on October 28, 2005, is attached as Exhibit 17 (exhibits excluded).

18. Order on Emergency Motion to Adjourn the Hearing on the Motion of Chriss W. Street to Compel Compliance with Consent Order, dated November 3, 2005, is attached as Exhibit 18.

19. Order Under Bankruptcy Rule 2004, Directing Examination of and Production of Documents by Mr. Chriss W. Street and Other Persons with Relevant Knowledge, dated December 2, 2005, is attached as Exhibit 19.

20. Motion of the Trustee of The End of the Road Trust for Order, Under Bankruptcy Rule 2004, Authorizing the Examination of and Production of Documents by Mr. Chriss W. Street and other Persons with Relevant Knowledge, dated November 18, 2005, is attached as Exhibit 20 (exhibits excluded).

21. Motion and Memorandum in Support of Motion for Contempt Against Chriss W. Street, dated May 23, 2006, is attached as Exhibit 21 (exhibits excluded).

22. Order Directing Continued 2004 Examination of Chriss W. Street, dated July 17, 2006, is attached as Exhibit 22.

23. September 30, 2004 Notice of Determination from Pension Benefit Guaranty Corporation regarding the Fruehauf Trailer Corporation Retirement Plan, is attached as Exhibit 23.

24. Complaint of *Double A Trailer Sales, Inc. v. Chriss W. Street and Donald R. Sheetz*, Case No.3:05CV1107-M, dated November 30, 2005, is attached as Exhibit 24.

25. In re IT Group Inc., 2005 WL 3050611 (D. Del., Nov. 15, 2005) , is attached as Exhibit 25.

26. In re Gentilcore, 1993 WL 5897 (Bankr. W.D. Pa., Jan. 5, 1993), is attached as Exhibit 26.

27. Limited Objection of Chriss W. Street to Motion by the Trustee of the End of the Road Trust for an Order Extending the Term of the Liquidating Trust Agreement, dated December 12, 2006, is attached as Exhibit 27 (exhibits excluded).

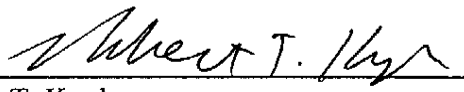
28. Trustee's Response to Limited Objection of Chriss W. Street to Motion by the Trustee of the End of the Road Trust for an Order Extending the Term of the Liquidating Trust Agreement, dated January 19, 2007, is attached as Exhibit 28 (exhibits excluded).

29. Mr. Street's Reply to Trustee's Response to Limited Objection of Chriss W. Street to Motion by Trustee of The End of the Road Trust for an Order Extending the Term of the Liquidating Trust Agreement, dated February 9, 2007, is attached as Exhibit 29 (exhibits excluded).

30. Correspondence dated February 9, 2007 from Edmond D. Johnson, Pepper Hamilton, LLP, to The Honorable Peter J. Walsh, is attached as Exhibit 30.

31. In re LJM2 Co-Investment, L.P., 2003 WL 431684 (D. Del., Feb. 24, 2003), is attached as Exhibit 31.

FURTHER AFFIANT SAYETH NOT.

  
Robert T. Kugler

Subscribed and sworn to before me  
this 28th day of February, 2007.

  
Notary Public

Hennepin County, Minnesota  
Commission Expires: Jan 31, 2010

